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THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

Written statement submitted by the Society for Threatened Peoples, a
non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is
circulated in accordance with Economic and Social resolution 1296 (XLIV).

[21 August 1995]

1. One way the Sub-Commission can demonstrate its concern and willingness to prevent another Somalia, Rwanda or Bosnia and Herzegovina, is to beam its searchlight on the system of justice in States Members of the United Nations. It should take urgent steps to urge Governments, particularly African Governments, to respect and restore the fundamental rights of the thousands of their citizens that have been arbitrarily arrested and are languishing in jail. Several respectable NGOs, including Amnesty International and Human Rights Watch, have regularly undertaken painstaking investigations into gross violations of the human rights of detainees, most of whom are tortured, starved and denied medical care. In spite of several appeals to Governments in these reports to check and end these abuses, they persist. A ready example is the situation of the Ogoni people of Nigeria, who, following the deployment of a large Special Military Task Force, have suffered massive and systematic violations of their freedoms. Well over 10,000 Ogonis were arrested, detained, tortured, flogged and ransomed during the period May 1994 and July 1995. Several detention centres were improvised solely to accommodate Ogoni detainees at Kpor, a detention camp in the Gokana area of Ogoniland, at

the headquarters of the 2nd Amphibious Brigade, Bori camp, Port Harcourt, the Special Intelligence and Investigation Bureau (SIIB) and the Nigerian Prison, Port Harcourt. 153 Ogonis are still being held without charges.

2. In Kosovo, the Special Rapporteur of the Commission on Human Rights has reported several cases of police brutality against ethnic Albanians. He also reported the killing of ethnic Albanians resulting from such brutality, arbitrary searches, seizures and arrests, forced evictions, torture and ill-treatment of detainees. There is also evidence of discrimination in the administration of justice, including several trials, which are still going on, of former Albanian policemen.

3. One critical issue that should not be ignored by the Sub-Commission is that of impunity of perpetrators of human rights abuses. In most countries where there have been constant and persistent reports of gross human rights violations, the authorities look the other way as members of the security forces trample on the basic freedoms of their citizens. One can list several Member States where grave reports of police brutality, extrajudicial killings, rape, torture and other inhuman and degrading treatment of citizens are commonplace. Despite this security officials are often not tried or punished for these crimes. This point has been raised by the distinguished expert of the Sub-Commission, Ms. Claire Palley, after a careful study of reports of special rapporteurs of the Commission. In spite of the national and international outcry over the excessive use of lethal force by security operatives, summary executions, indiscriminate arrests, detention, rape and torture perpetrated against the oil-rich Ogoni people of the Rivers State of Nigeria, no security official has been brought to justice or punished for these crimes.

4. Conditions of detention in connection with the conflict in the Chechen Republic also fail to meet humanitarian standards. Released prisoners from Russian detention camps report that they were beaten, gnawed by dogs and kept in overcrowded railway carriages. This month, one prisoner, Khamad Kurbanov, a Chechen government representative was hung by his feet from a helicopter and forced to undergo a mock execution before he was released. During the mock execution he was blindfolded and made to face a wall. The soldiers reportedly then shouted "Bid farewell to life, Dudayev scum" and fired above him and to the sides.

5. Another area of concern is the habit of some States to establish special tribunals by military decrees to try their perceived critics and human rights defenders on trumped-up charges. The special tribunals circumvent the normal civil courts and their verdicts are not subject to judicial appeal. Persons tried under such military legislation are denied their right to a fair trial guaranteed under international instruments to which these States are signatories. In Nigeria, for example, in February 1995, the authorities arraigned Mr. Ken Saro-Wiwa, a famous writer and President of the Movement for the Survival of the Ogoni People (MOSOP), Ledum Mitee, his deputy, and 13 other Ogonis before a special tribunal on charges of incitement to murder. The tribunal, set up by a military decree, has a serving military officer and two judges - appointed by Nigeria's military head of State - as members. The accused face a possible death sentence which is not subject to a judicial appeal.

6. The Society for Threatened Peoples appeals to the Sub-Commission to urge the Nigerian authorities to institute an independent judicial commission of inquiry to investigate cases of excessive use of lethal force by security forces, extrajudicial killings, summary executions, rape, indiscriminate arrests, detention, torture and arson. Any persons accused of such excesses should be tried in appropriate civil courts in compliance with international human rights covenants to which Nigeria is a signatory.

7. The Society for Threatened Peoples should not fail to mention briefly the general tense situation in Nigeria. Six major NGOs working on human rights in Nigeria, including MOSOP, have recently sent an invitation to the High Commissioner for Human Rights to visit Nigeria to meet with government officials and human rights defenders in order to stem the steady drift to chaos. We urge the Sub-Commission to encourage Nigeria to invite the High Commissioner to pay a visit there.

8. The Society for Threatened Peoples also appeals to the Sub-Commission to urge the Government of Bangladesh to reply to allegations of torture transmitted by the Special Rapporteur on the question of torture and to invite the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on torture to visit the country to carry out the investigations in accordance with their mandates.
